THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION. No.26898 of 2007

Date: 17.12.2007

Between:

Pilla Papa Rao

... Petitioner

AND

The Superintendent of Police,
Visakhapatnam & another.

... Respondents

Counsel for the petitioner : Sri K. Srinivasa Reddy

Counsel for the respondents: Assistant Government Pleader
for Home

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION. No.26898 of 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in opening the rowdy sheet against the petitioner, as illegal, arbitrary and violative of Articles 14, 19(1)(e) and 21 of the Constitution of India. The petitioner also sought for a consequential direction to the respondents to close the rowdy sheet.

The petitioner on his own showing is an accused in the following crimes:

1.	Cr.No.13 of 2004	6.	Cr.No.241 of 2004
2.	Cr.No.377 of 2005	7.	Cr.No.387 of 2005
3.	Cr.No.179 of 2005	8.	Cr.No.129 of 2006
4.	Cr.No.195 of 2006	9.	Cr.No.390 of 2006
5.	Cr.No.493 of 2006		

The respondents have evidently opened a rowdy sheet under the provisions of Standing Orders 742 and 894 (2)(a) of the A.P. Police Standing Orders.

The contention of the petitioner is that all the criminal cases are falsely registered against him and therefore opening of rowdy sheet cannot be sustained.

I have heard the learned counsel for the petitioner and I have not felt persuaded to accept his contention that opening of

rowdy sheet is either arbitrary or contrary to the relevant Standing Orders.

Standing Order 742 of the A.P. Police Standing Orders reads as under:"

> "S.O.742, Rowdies:- 1. The following persons may be classified as rowdies and rowdy sheets (Form 88) may be opened for them under the order of the Superintendent of Police or Sub-Divisional Officer.
>
> a. Persons who habitually commit, attempt to commit or abet the commission of offences involving a breach of peace.
>
> b. Persons bound over under Section 106, 107, 108 (c) and 110 (1) of the code of criminal procedure 1973 (Art.No.2 of 1974).
>
> c. Persons who have been convicted more than once in two consecutive years under Section 75 of the Madras City Police Act or under Section 32, Clause 12 of the Town Nuisance Act.
>
> d. Persons who habitually tease women and girls by passing indecent remarks or otherwise; and
>
> e. In the case rowdies in an area under one police station but are found to be frequently visiting the area under or more other police stations their rowdy sheets can be maintained at all such police station.
>
> f. Instructions in order 735 regarding discontinuance of History sheets shall also apply to rowdy sheets."

The fact that the petitioner figured as accused in as many as 9 criminal cases is ample testimony that he is habitual in

committing offences involving breach of peace. In view of the same, the contention of the petitioner that there is no justification to open a rowdy sheet cannot be accepted. In my considered view the petitioner's case squarely falls under S.O. 742(1)(a).

For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP.No.35138 of 2007 filed by the petitioner for interim relief is also dismissed.

C.V. NAGARJUNA REDDY, J

Date: 17.12.2007
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